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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,871	07/14/2003	William Calfas	5194	6942

7590 05/31/2005
Donald D. Mon
Suite 303
750 East Green Street
Pasadena, CA 91101

EXAMINER

SHRIVER II, JAMES A

ART UNIT PAPER NUMBER

3618

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/618,871	Applicant(s) CALFAS ET AL.	
	Examiner J. Allen Shriver	Art Unit 3618	✓

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. Applicant's submittal of an amendment was received on February 24, 2005, wherein claims 1-12 were cancelled and new claims 13-18 were added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanphear (US Patent 6,874,432 B2) in view of Biggs (US Patent 5,427,337).** Lanphear discloses a transporter to facilitate the movement of a person having impaired or no self-locomotion from a location at a first elevation and location to a laterally spaced-apart location at a higher or lower elevation, comprising a base (220) having a horizontal orientation and a vertical axis; wheels (241-244) enabling said base to be moved in said horizontal orientation in any lateral direction relative to said vertical axis, said wheels being freely rotatable around axes parallel to said vertical axis and spaced therefrom; a platform (218) having an upper surface normal to said axis said surface being planar, smooth, and devoid of any protrusion (See Fig. 1) above said upper surface; a jack (216,217) mounted to said base below said platform, extending between them so as to enable and power the selective raising or lowering of the platform relative

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to the base; a power source (250,251) to activate said jack; a control (260,265) to enable actuation of said jack by said power source, whereby said transporter can be moved adjacent to a place where a person is supported, raised or lowered so as slidably to receive said person, wheeled to another location, then raised or lowered to permit the person to be slid onto another place; **[claim 15]** a lip depends below said upper surface, for a person to grasp (See Fig. 1).

Lanphear does not specifically disclose said jack including a threaded screw having a locking characteristic, whereby to prevent lowering of the platform by its weight and by its weight combined with a load on it, except when the screw is positively turned. Biggs discloses a jack including a threaded screw having a locking characteristic, whereby to prevent lowering of the platform by its weight and by its weight combined with a load on it, except when the screw is positively turned (See column 11, lines 4-24). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to use a threaded screw having a locking characteristic for the jack disclosed in Lanphear in view of the teaching of Biggs. The motivation for doing so would have been to provide a slow, self-locking speed for the jack so that the raising and lowering of the platform is precisely controlled.

Regarding claim 16, Biggs discloses wherein a peripheral skirt (80,82,84) is attached to said platform, extending downwardly to enclose said jack, being movable upwardly and downwardly with said platform to shroud said jack from outside contact.

4. Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanphear (US Patent 6,874,432 B2) and Biggs (US Patent 5,427,337) as applied to claim 13 above, and further in view of Hebert et al. (US Patent 5,179,745). The combination of Lanphear and Biggs does not disclose wherein said planar surface includes a socket and a

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removable support, said support being insertable into said socket to limit the sliding movement of a person being slidably moved on said surface. Hebert et al. discloses wherein said planar surface includes a socket (100, 102) and a removable support (90,92), said support being insertable into said socket to limit the sliding movement of a person being slidably moved on said surface. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide sockets and removable supports for the planar surface disclosed in Lanphear in view of the teaching of Hebert et al. The motivation for doing so would have been to allow the supports to be removed when the patient is transport off the transporter to a bed.

Response to Arguments

5. Applicant's arguments with respect to claims 13-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (571) 272-6698. The examiner can normally be reached on Monday, Wednesday and Thursday 5:30 am-5:00 pm and Tuesday 5:30 am-11:00 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (571) 272-6914. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

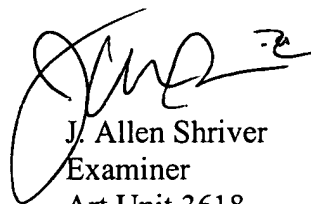
Or faxed to: (703) 872-9306 (for formal communications intended for entry). (571) 273-6698 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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J. Allen Shriver
Examiner
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JAS